

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OCLC, Inc.,

Plaintiff,

v.

**Anna's Archive, f/k/a
Pirate Library Mirror, et al.,**

Defendants.

Case No. 2:24-cv-144

Judge Michael H. Watson

Magistrate Judge Deavers

ORDER


Plaintiff OCLC, Inc. ("OCLC"), having obtained an Entry of Default from the Clerk, ECF No. 39, moves for default judgment against defendant Anna's Archive, formally known as Pirate Library Mirror ("Anna's Archive"), Mot. Def. J., ECF No. 40.

The Entry of Default does not automatically entitle OCLC to default judgment against Anna's Archive. Although the Court accepts "all of the well-pleaded factual allegations in the complaint regarding liability," the Court "must still determine whether those facts are sufficient to state a claim for relief," *Zinganything, LLC v. Import Store*, 158 F. Supp. 3d 668, 670, 672 (N.D. Ohio 2016) (citations omitted), as OCLC acknowledges, Mot. Def. J. 4, ECF No. 40 (citing *New London Tobacco Mkt., Inc. v. Ky. Fuel Corp.*, 44 F.4th 393, 410 (6th Cir. 2022)).

The Court is uncertain whether OCLC's well-pleaded factual allegations are sufficient to state a claim for relief. OCLC does not offer much more than the summary assertion that "[t]he well-pleaded facts in OCLC's Complaint establish that OCLC is entitled to its requested default judgment as well as monetary damages and injunctive relief for all claims." Mot. Def. J. 5, ECF No. 40. Yet OCLC's factual allegations implicate a complex and developing area of law. The legal propriety of data harvesting raises "serious questions going to the merits," at a minimum. See, e.g., *hiQ Labs, Inc. v. LinkedIn Corp.*, 31 F.4th 1180, 1191 (9th Cir. 2022) (enjoining LinkedIn from preventing hiQ's data harvesting efforts). The Court cannot grant Plaintiff's motion for default judgment without first resolving these questions.

OCLC is thus **ORDERED** to file an additional memorandum by **December 20, 2024**, explaining which claims it seeks default judgment on and why, as a matter of law, the facts it has pleaded in its complaint are sufficient to establish Anna's Archive's liability for each such claim. The Court reminds OCLC of the standard 20-page limit.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT